

Date: April 4, 2018

To: Weber County Board of County Commissioners

From: Sean Wilkinson, AICP *SW*
Department Director, Community Development

Agenda Date: April 10, 2018

Subject: **Request for Approval to Sell Surplus Real Property (Parcel Numbers 23-020-0002 and 23-020-0003)**

Documents:

- Aerial Image of Property (Exhibit A)
- Plat Map of Property (Exhibit B)
- Purchase and Sale Agreement (Exhibit C)
- Quit-claim Deed (Exhibit D)
- Opinion of Value Letter (Exhibit E)

Summary:

Parcel Numbers 23-020-0002 and 23-020-0003 were obtained by Weber County in the 1990 and 1987 Tax Sales, respectively. Both parcels were part of a larger piece of property (3.26 acres) which the owner divided before the parcels were struck off to the County at the tax sales. Parcel Number 23-020-0002 contains 1.6 acres and Parcel 23-020-0003 contains 350 square feet. Moises Cook owns the other property that made up the original 3.26 parcel and he has approached the County about purchasing both parcels to combine with his, making it a legal building parcel again. Weber County has no intended use for these properties and selling them to Mr. Cook will result in a benefit to both parties. The County Commission declared these parcels surplus to the County's needs on March 27, 2018. The purchase price for Parcel 23-020-0002 is \$9,500, which is the fair market value listed in an Opinion of Value Letter from a licensed real estate broker (see Exhibit E), as required by County code. The purchase price for Parcel 23-020-0003 is \$12, which is the market value determined by the County Assessor's Office. The legal descriptions have been reviewed and approved by the County Surveyor's Office. All requirements of Weber County Code Article X. (Disposal of Surplus Property) §2-9-371 have been met.

Property Descriptions:

23-020-0002

THE WEST 601 FEET OF THE FOLLOWING DESCRIBED PROPERTY: PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING 1760.76 FEET SOUTH 89D56'01" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 32; RUNNING THENCE EAST TO THE SOUTH CORNER OF SAID SECTION 32; THENCE NORTH ALONG THE QUARTER LINE TO THE SOUTH BOUNDARY OF EVERGREEN PARK SUBDIVISION NO. 1, THENCE SOUTHWESTERLY ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING. EXCEPT THE EAST 1.0 FOOT.

23-020-0003

THE EAST 1 FOOT OF THE FOLLOWING: PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN U.S. SURVEY: BEGINNING 1760.76 FEET SOUTH 89D56'01" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 32, RUNNING THENCE EAST TO THE SOUTH CORNER OF SAID SECTION 32, THENCE NORTH ALONG THE QUARTER LINE TO THE SOUTH BOUNDARY OF EVERGREEN PARK SUBDIVISION NO. 1, THENCE SOUTHWESTERLY ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING.

Recommendation:

Sell Parcels 23-020-0002 (\$9,500) and 23-020-0003 (\$12) to Moises Cook

Fiscal Impact:

Weber County will recover the previous taxes owed and the administrative costs of maintaining and selling the property. The parcels will also be placed back on the County property tax roll for future years.

Exhibit A

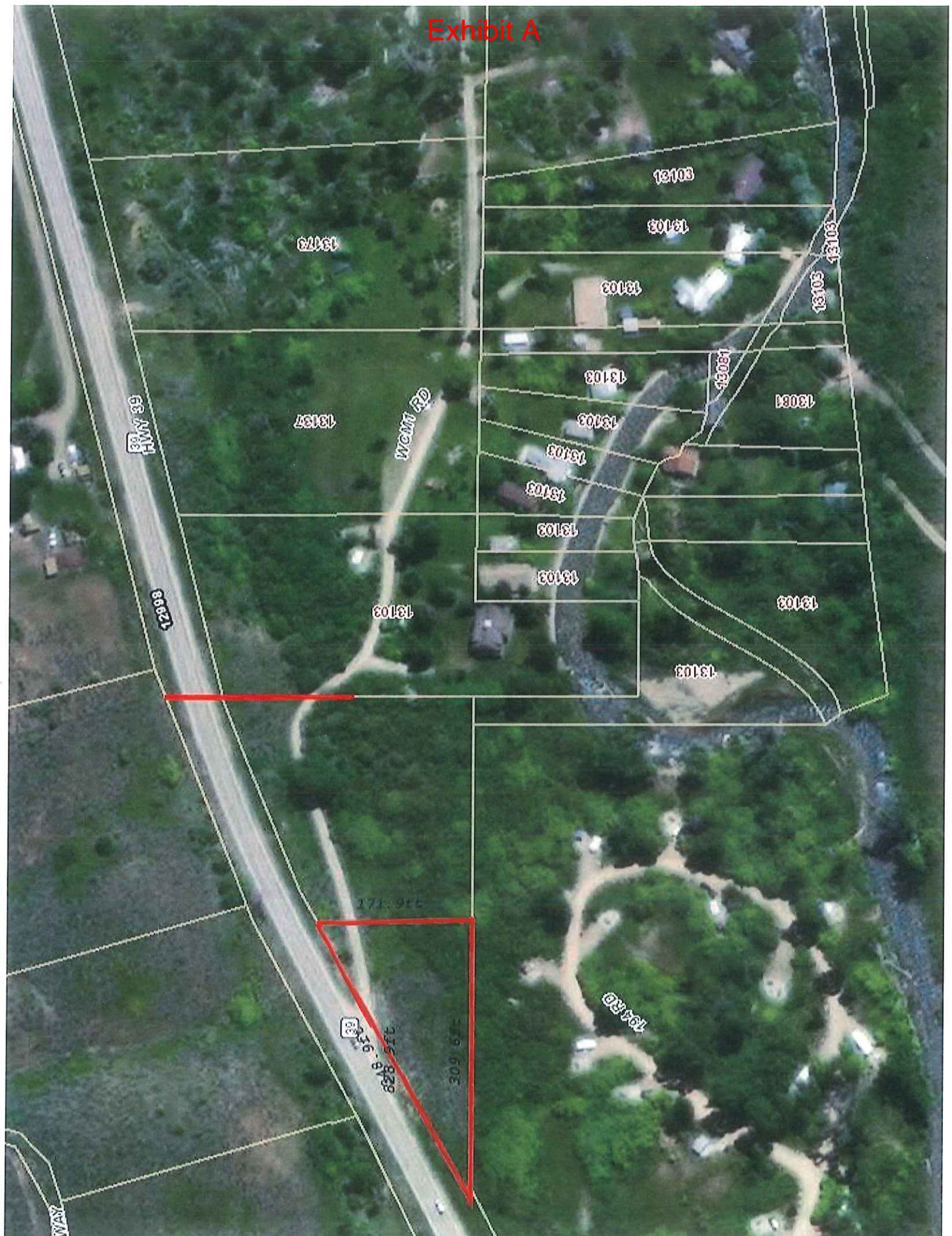


Exhibit B

SECTION 32, T.7N., R.3E., S.L.B. & M.

IN WEBER COUNTY

SCALE 1" = 400'

20

TAXING UNIT: 520

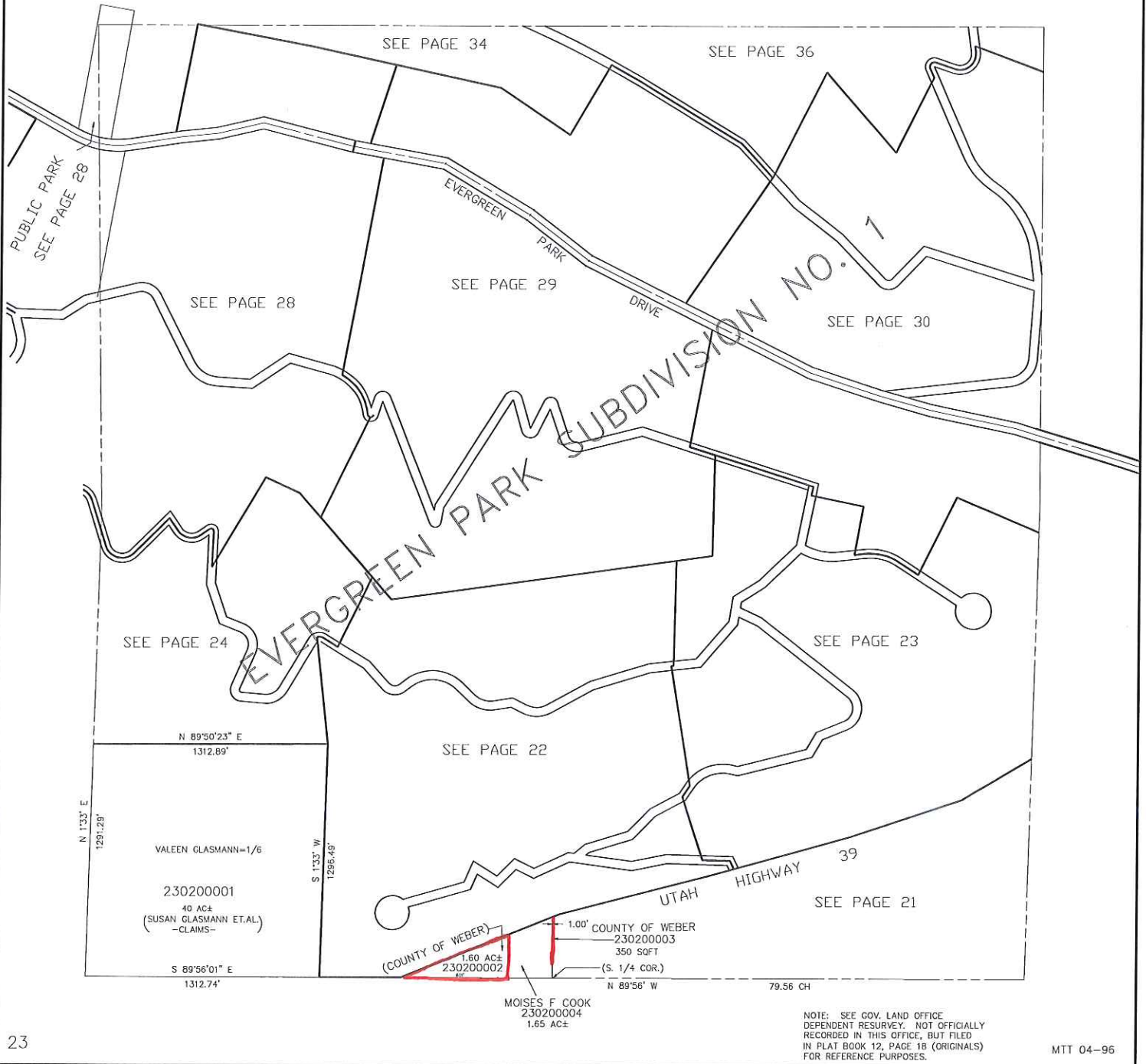


Exhibit C

REAL ESTATE PURCHASE AND SALE AGREEMENT BY AND BETWEEN WEBER COUNTY AND MOISES F. COOK

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is made and entered into on the 10th day of April, 2018, by and between Weber County, a body politic, corporate and political subdivision of the State of Utah (hereinafter "County") and Moises F. Cook, with his principal address located at 1030 North 520 East, Orem, UT 84097 (hereinafter "Buyer").

RECITALS

WHEREAS, according to the official records of the Recorder of Weber County, State of Utah, County owns certain real property more fully described in this Agreement; and

WHEREAS, County declared such property as surplus to its needs on March 27, 2018; and

WHEREAS, Buyer approached County about purchasing the property; and

WHEREAS, Buyer desires to purchase such property on the terms and conditions more particularly set forth herein;

NOW, THEREFORE, it is hereby acknowledged and agreed by and between the parties hereto as follows:

SECTION ONE DESCRIPTION OF PROPERTY

The real property which is the subject of this agreement is described as follows:

Land Serial Numbers: 23-020-0002 and 23-020-0003

23-020-0002

THE WEST 601 FEET OF THE FOLLOWING DESCRIBED PROPERTY: PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING 1760.76 FEET SOUTH 89D56'01" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 32; RUNNING THENCE EAST TO THE SOUTH CORNER OF SAID SECTION 32; THENCE NORTH ALONG THE QUARTER LINE TO THE SOUTH BOUNDARY OF EVERGREEN PARK SUBDIVISION NO. 1, THENCE SOUTHWESTERLY ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING. EXCEPT THE EAST 1.0 FOOT.

23-020-0003

THE EAST 1 FOOT OF THE FOLLOWING: PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN U.S. SURVEY: BEGINNING 1760.76 FEET SOUTH 89D56'01" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 32, RUNNING THENCE EAST TO THE SOUTH CORNER OF SAID SECTION 32, THENCE NORTH ALONG THE QUARTER LINE TO THE SOUTH BOUNDARY OF EVERGREEN PARK SUBDIVISION NO. 1, THENCE SOUTHWESTERLY ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING.

SECTION TWO PURCHASE PRICE AND TERMS

The purchase price for the above described property is nine thousand five hundred dollars (\$9,500) for Parcel 23-020-0002 and twelve dollars (\$12) for Parcel 23-020-0003. The County shall convey the real property to Buyer by Quit Claim Deed upon receipt of the full purchase price.

SECTION THREE INDEMNIFICATION

Buyer agrees to defend, indemnify and hold harmless County, its officers, agents and employees for and against any claims or suits that arise as a result of this purchase and sale transaction.

SECTION FOUR NO WARRANTIES

The County does not warrant or guarantee that the property is free from easements, covenants, mortgages, liens, or other encumbrances, nor does the County make any other covenants or warranties concerning the property.

SECTION FIVE GOVERNING LAW

The laws of the State of Utah shall govern the validity, construction, enforcement, and interpretation of this Agreement.

SECTION SIX ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement by and between the parties hereto with respect to the subject matter hereof, and no other statement, whether written or oral, shall be deemed a part of this Agreement unless specifically incorporated herein by reference. This Agreement supersedes any and all other agreements, negotiations, or understandings between the parties.

IN WITNESS WHEREOF the undersigned have affixed their respective signatures hereto on the dates indicated below.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
James H. "Jim" Harvey, Chair

Commissioner Ebert voted _____
Commissioner Gibson voted _____
Commissioner Harvey voted _____

ATTEST:

Date:

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

BUYER:

Moises F. Cook

Subscribed and sworn to before me, _____,
this ____ day of April, 2018.

Notary Public

Exhibit D

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:

Moises F. Cook
1030 North 520 East
Orem, UT 84097

MAIL TAX NOTICE TO:

Moises F. Cook
1030 North 520 East
Orem, UT 84097

QUIT CLAIM DEED

Weber County Corporation, Grantor, of 2380 Washington Blvd., Ogden, UT 84401, hereby quit claims to Moises F. Cook, Grantee, at 1030 North 520 East, Orem, UT 84097, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described tract of land in Weber County, Utah, to wit:

The real property which is described as follows:

Land serial numbers: 23-020-0002 and 23-020-0003

23-020-0002

THE WEST 601 FEET OF THE FOLLOWING DESCRIBED PROPERTY: PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING 1760.76 FEET SOUTH 89D56'01" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 32; RUNNING THENCE EAST TO THE SOUTH CORNER OF SAID SECTION 32; THENCE NORTH ALONG THE QUARTER LINE TO THE SOUTH BOUNDARY OF EVERGREEN PARK SUBDIVISION NO. 1, THENCE SOUTHWESTERLY ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING. EXCEPT THE EAST 1.0 FOOT.

23-020-0003

THE EAST 1 FOOT OF THE FOLLOWING: PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN U.S. SURVEY: BEGINNING 1760.76 FEET SOUTH 89D56'01" EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 32, RUNNING THENCE EAST TO THE SOUTH CORNER OF SAID SECTION 32, THENCE NORTH ALONG THE QUARTER LINE TO THE SOUTH BOUNDARY OF EVERGREEN PARK SUBDIVISION NO. 1, THENCE SOUTHWESTERLY ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

James H. "Jim" Harvey, Chair

I hereby certify that the sale and transfer of the property described herein was duly approved at a regularly scheduled meeting of the Board of County Commissioners on the 10th day of April 2018.

Ricky D. Hatch, CPA
Weber County Clerk/Auditor



Exhibit E

GAGE FROERER & ASSOCIATES, INC.

2641 Washington Boulevard #101
Ogden, Utah 84401

Office (801) 621-0505

Fax (801) 621-0506
contact@c21utah.com
www.c21utah.com

February 14, 2018

Sean Wilkinson, AICP
Department Director
Weber County Community & Economic Development
444 24TH Street
Ogden, Utah 84401

Re: Opinion of Value Letter

Parcel# 23-020-0002

Dear Mr. Wilkinson:

I have been asked to provide your office with a Broker's Opinion of value for the above referenced property. The subject property consists of a 1.6 acre vacant lot located just off Highway 39 next to the Willows Campgrounds on the South Fork River. Based upon current market conditions and available sold transactions that have occurred in the marketplace, it is my opinion that current value is **\$9,500.00** on the open market with an average marketing period. Most probable purchaser for this lot would be an adjoining land owner.

Please feel free to contact me with any further questions.

Regards,

Casey Froerer
Associate Broker
Century 21 Gage Froerer & Associates
Office (801)621-0505
Mobile (801)698-4312
caseyfroerer@gmail.com